REMARKS

Claims 1-17, 56-69 and 126-128 are pending in this Application. Claim 7 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent format. By this Response, Applicants have amended claims 1, 8, 56, 69. Applicants respectfully submits no new matter was added by these amendments. Accordingly, claims 1-17, 56-69 and 126-128 are at issue.

The Examiner has rejected claims 56-68 under 35 U.S.C. 103(a) as being unpatentable over Wolff in view of Gosling. Applicants respectfully traverse this rejection.

Claim 56 is directed to a method that includes the step of "downloading a page defined by a markup language from the controller that includes status data from the controller and an embedded program for viewing the status data; and the embedded program autonomously periodically executing on the computer and causing the status data from the controller to be displayed on the computer in a dynamic fashion."

The Examiner maintains that Wolff discloses "executing a program on the computer for displaying status data, wherein the computer is configured to periodically request data from the remote controller for displaying status data in a dynamic fashion, e.g., **displaying live images**. (Office Action of December 12, 2005, p. 2, emphasis added). The Examiner specifically refers to column 6, lines 10-16 of Wolff which provide:

> When a reader views the document, the peripheral of the present invention itself is contacted in order to retrieve the referenced information. If the information comprises an image, this image might be a static image (previously captured and stored to mass storage on the peripheral) or a "live" image (captured new each time it is requested).

Contrary to the Examiner's position, a "live" image is one that is "captured new each time it is requested" and is not one that is periodically updated by "the embedded program autonomously periodically executing on the computer and causing the status data from the

controller to be displayed on the computer in a dynamic fashion." While the quoted portion of Wolff implies the "live" image may be requested multiple times, this is done at the readers discretion, i.e., when ever a reader views the document, and not as a result of instructions in the embedded program. In other words, there is no disclosure in Wolff of a specific program requesting a new "live" image "periodically" as required by claim 56.

The Examiner acknowledges "Wolff does not explicitly teach providing an embedded plug-in or executable applet for displaying the status data." (Office Action of December 12, 2005, p. 2). The Examiner notes that Gòsling discloses an embedded plug-in or applet for controlling a display of a web page and then simply maintains "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize embedded plug-ins or executable applets in Wolff because it would have enabled displaying status data on any conventional web browser."

However, the Examiner's terse analysis fails to meet the PTO's burden of establishing an incentive or motivation in the prior art to make the proposed combination. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. See MPEP 2143.01 Second, there must be a reasonable expectation of success. See MPEP 2143.02. Finally, the prior art reference(s) must teach or suggest all of the claim limitations. See MPEP 2143.03. The Examiner has failed to meet each of these criteria. The Examiner has failed to meet any of these criteria.

Accordingly, Applicants respectfully submit claim 56 is patentable over Wolff in view of Gosling. Claims 57-66 depend on claim 56 and include each of its limitations, and are therefore also patentable over Wolff in view of Gosling.

Claim 67 requires, among other limitations, "sending a single message to the monitoring computer including a page defined by a markup language that includes **an executable program that** when executed on the monitoring computer **will cause the monitoring computer to periodically retrieve the data** to be monitored from the memory location and will cause the data to be monitored to be displayed dynamically in a predetermined format on the monitoring computer." As set forth above, Wolff does not disclose a program that causes the controller to periodically retrieve the data. Accordingly, Applicants respectfully submit that claim 67 is also patentable over Wolff in view of Gosling. Claim 68 depends on claim 67 and includes each of its limitations and therefore is also patentable over Wolff in view of Gosling.

The Examiner has rejected claims 1-17, 69 and 126-128 under 35 U.S.C. 103(a) as being unpatentable over Wolff and Gosling and further in view of Smith. Applicants respectfully traverse this rejection.

Claim 1 has been amended to clarify that execution of the instruction causes the remotely located computer to periodically request updated data from the web server.

As set forth above, the combination of Wolff and Gosling do not disclose this. Smith does not cure this lack of disclosure in Wolff and Gosling. Accordingly Applicants respectfully submit claim 1 is patentable over Wolff in view of Gosling and further in view of Smith. Claims 2-7 depend on claim 1 and include each of its limitations, and therefore are also patentable over Wolff in view of Gosling and further in view of Smith.

Claim 8 has been amended to clarify that execution of the instructions by the remotely located computer causes the computer to periodically request updated data."

As set forth above, the combination of Wolff and Gosling do not disclose this. Smith does not cure this lack of disclosure in Wolff and Gosling. Accordingly Applicants respectfully submit claim 8 is patentable over Wolff in view of Gosling and further in view of Smith. Claims 9-17 depend on claim 8 and include each of its limitations, and therefore are also patentable over Wolff in view of Gosling and further in view of Smith.

Claim 69, as amended, requires "means for executing the embedded program on the computer and means for causing the status data from the controller to be dynamically displayed on the remote computer and for periodically downloading updated status data for display on the remote computer." As set forth above, Wolff and Gosling do not disclose such means. Smith doe not cure this deficiency. Accordingly, Applicants respectfully submit claim 69 is patentable over Wolff in view of Gosling and further in view of Smith.

The Examiner has rejected claims 126-128 for the same rational as claims 1-6. However, claims 126-128 are not of the same scope as claims 1-6.

Claim 126 is directed to system wherein a program in a remote computer accesses a memory of controller via browser. Claim 126 requires, among other limitations, the program being able "to change the data stored in the memory of the controller by manipulating the information displayed in the browser." Similarly, claims 127 and 128 requires "changing data stored in the memory of the controller by manipulating information displayed in the browser."

This is a different function than displaying information on the monitoring or remote computer.

None of the reference disclose the ability of the remote computer effecting the data stored in the controller. Accordingly, Applicants respectfully submit claims 126-128 are patentable over Wolff in view of Gosling and further in view of Smith.
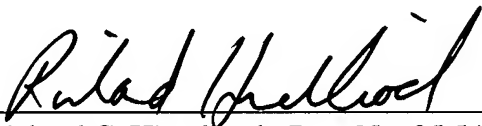
CONCLUSION

In light of the foregoing reasons, Applicants respectfully request reconsideration and allowance of claims 1-17, 56-69 and 126-128. The Commissioner is authorized to charge any additional fees or credit any overpayments associated with this Amendment to Deposit Account 23-0280. Applicants further invite the Examiner to contact the undersigned representative at the telephone number below to discuss any matters pertaining to the present Application.
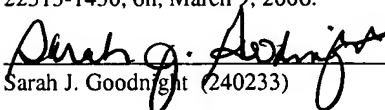
Respectfully submitted,

Date: March 9, 2006   By:_____

Richard C. Himelhoch, Reg. No. 35,544
Customer No. 46901
WALLENSTEIN WAGNER & ROCKEY, LTD.
311 South Wacker Drive, 53rd Floor
Chicago, Illinois 60606-6604
(312) 554-3300

CERTIFICATE OF MAILING
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on, March 9, 2006.

_____
Sarah J. Goodnight (240233)